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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/576.359	04/19/2006	Gerhard Frick	5830

SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING MD 20910

DATE MAILED: August 22, 2007

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will <u>not</u> be recognized

This is in response to the petition under 37 CFR 1.138(d) filed on August 21, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- □ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- □ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (70%) 605-4283.

Barbara J. Debnam

Pre-Grant Publication Division